

**Licensed Personnel Performance Evaluation Act
(as amended by SB 191)**

22-9-101. Short title.

This article shall be known and may be cited as the "Licensed Personnel Performance Evaluation Act".

22-9-102. Legislative declaration.

(1) The general assembly hereby declares that: (a) A system to evaluate the effectiveness of licensed personnel is crucial to improving the quality of education in this state and declares that such a system shall be applicable to all licensed personnel in the school districts and boards of cooperative services throughout the state; and (b) The purposes of the evaluation shall be to: (I) Serve as a basis for the improvement of instruction; (II) Enhance the implementation of programs of curriculum; (III) Serve as a measurement of the professional growth and development of licensed personnel; (IV) Evaluate the level of performance based on the effectiveness of licensed personnel; and (V) Provide a basis for making decisions in the areas of hiring, compensation, promotion, assignment, professional development, earning and retaining nonprobationary status, dismissal, and nonrenewal of contract. (2) The general assembly further declares that a professionally sound and credible system to evaluate the effectiveness of licensed personnel shall be designed with the involvement of licensed personnel and citizens of the school district or board of cooperative services. (3) The general assembly further declares that the involvement and support of parents of children in public schools, acting as partners with teachers and public school administrators, are key to the educational progress of their children.

22-9-103. Definitions.

As used in this article, unless the context otherwise requires:

- (1) "Board of cooperative services" shall have the same meaning as provided in section 22-5-103 (2).
- (1.1) "Council" means the state council for educator effectiveness established pursuant to section 22-9-105.5.
- (1.4) "Department" means the department of education created pursuant to section 24-1-115, C.R.S.
- (1.5) "Licensed personnel" means any persons employed to instruct students or to administer, direct, or supervise the instructional program in a school in the state who hold a valid license or authorization pursuant to the provisions of article 60.5 of this title.
- (2) "Local board of education" or "local board" means the board of education of the school district.

Licensed Personnel Performance Evaluation Act (as amended by SB 191)

(2.5) "Performance standards" means the levels of effectiveness established by rule of the state board pursuant to section 22-9-105.5 (10).

(2.6) "Principal" means a person who is employed as the chief executive officer or an assistant chief executive officer of a school in the state and who administers, directs, or supervises the education program in the school.

(2.7) "Principal development plan" means a written agreement developed by a principal and district administration that outlines the steps to be taken to improve the principal's effectiveness. The principal development plan shall include professional development opportunities.

(2.9) "Quality standards" means the elements and criteria established to measure effectiveness as established by rule of the state board pursuant to section 22-9-105.5 (10).

(3) "School district" means any school district organized and existing pursuant to law but does not include a junior college district.

(4) "State board" means the state board of education established by section 1 of article IX of the state constitution.

(5) "Teacher" means a person who holds an alternative, initial, or professional teacher license issued pursuant to the provisions of article 60.5 of this title and who is employed by a school district or a charter school in the state to instruct, direct, or supervise an education program.

(6) "Teacher development plan" means a written agreement mutually developed by a teacher and his or her principal that outlines the steps to be taken to improve the teacher's effectiveness. The teacher development plan may include but need not be limited to consideration of induction and mentorship programs, use of highly effective teachers as instructional leaders or coaches, and appropriate professional development activities.

22-9-104. State board - powers and duties - rules.

(1) The state board shall promulgate guidelines relating to the planning, development, implementation, and assessment of a licensed personnel performance evaluation system that may be followed by each school district and board of cooperative services within the state. In promulgating said guidelines, the state board shall allow each school district and board of cooperative services to involve and consult with the licensed personnel and citizens of the school district or districts. Each school district and board of cooperative services shall have the flexibility needed to develop a system of personnel performance evaluation that is specifically designed to meet the individual needs of that school district and board of cooperative services.

Licensed Personnel Performance Evaluation Act (as amended by SB 191)

(2) The state board shall:

(a) Provide training and leadership and give technical assistance to school districts and boards of cooperative services in the development of a licensed personnel performance evaluation system;

(b) Work and cooperate with the state's universities and colleges that have teacher, principal, or administrator education programs to assure that principals and administrators having evaluation responsibilities will receive adequate education and training that meets the requirements specified in section 22-9-108 and will enable them to make thorough, credible, fair, and professional quality evaluations of all licensed personnel whom those principals or administrators may be responsible for evaluating;

(c) Pursuant to section 22-9-105.5, work with the council to promulgate rules concerning the planning, development, implementation, and assessment of a system to evaluate the effectiveness of licensed personnel;

(d) Review school district and board of cooperative services processes and procedures for licensed personnel performance evaluation systems to assure that such systems are professionally sound; will result in a fair, adequate, and credible evaluation; and will satisfy quality standards in a manner that is appropriate to the size, demographics, and location of the school district or board of cooperative services, and that is consistent with the purposes of this article; and

(e) (Deleted by amendment, L. 2009, (SB 09-163), ch. 293, p. 1532, § 17, effective May 21, 2009.)

(f)

(I) On or before September 1, 2011, the state board, pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., shall promulgate rules with regard to the issues specified in section 22-9-105.5 (10) using the recommendations from the council. If the council fails to make recommendations to the state board by March 1, 2011, with regard to one or more of the issues specified in section 22-9-105.5 (10), the state board, on or before September 1, 2011, shall promulgate rules concerning any issues in section 22-9-105.5 (10) that the council did not address. In promulgating rules pursuant to this paragraph (f), the state board shall conform to the timeline set forth in section 22-9-105.5.

(II) On or before February 15, 2012, the general assembly shall review the rules promulgated pursuant to subparagraph (I) of this paragraph (f), in a bill that is separate from the annual rule review bill introduced pursuant to section 24-4-103 (8) (d), C.R.S., and in accordance with the criteria and procedures specified in section 24-4-103 (8) (a)

and (8) (d), C.R.S.; except that the general assembly reserves the right to repeal individual rules in the rules promulgated by the state board. If one or more rules are not approved by the general assembly pursuant to this subparagraph (II), the state board shall promulgate emergency rules pursuant to section 24-4-103 (6), C.R.S., on such issue or issues and resubmit to the general assembly on or before May 1, 2012. The general assembly shall review the emergency rules promulgated according to the process outlined in this subparagraph (II).

22-9-105. State licensed personnel performance evaluation council created - duties. (Repealed)

22-9-105.5. State council for educator effectiveness - legislative declaration - membership - duties - recommendations - rules.

(1) The general assembly hereby finds and declares that:

- (a) On January 13, 2010, the governor established by executive order the governor's council for educator effectiveness;
- (b) The executive order charged the council with, among other duties, considering options and providing recommendations concerning educator effectiveness and developing recommendations for definitions of principal and teacher effectiveness; and
- (c) The general assembly further finds and declares that it is in the best interests of the people of the state of Colorado to codify in statute the governor's council for educator effectiveness because of the significant additional statutory duties and responsibilities that the general assembly is assigning to said council.

(2)

- (a) There is hereby created in the office of the governor the state council for educator effectiveness, referred to in this article as the "council".
- (b) The members of the governor's council for educator effectiveness, created by executive order B 2010-001, shall serve on the council, as appointed by the governor, and shall include:
 - (I) The commissioner of education, or his or her designee;
 - (II) The executive director of the department of higher education, or his or her designee;
 - (III) Four teachers, selected with the advice of state associations that represent educators;

(IV) Two public school administrators and one local school district superintendent, each selected with the advice of a state association that represents school executives;

(V) Two members of local school boards, selected with the advice of a state association that represents school boards;

(VI) One charter school administrator or teacher, selected with the advice of a state advocacy group for charter schools;

(VII) One parent of a public school student, selected with the advice of a state parent and teachers association;

(VIII) A current student or recent graduate of a Colorado public school, selected with the advice of a statewide student coalition; and

(IX) One at-large member with expertise in education policy.

(c) The purpose of the council shall be the same as that of the governor's council for educator effectiveness established by executive order, and shall be to consider options and make recommendations to the state board and the general assembly that seek to ensure that all licensed personnel are:

(I) Evaluated using multiple fair, transparent, timely, rigorous, and valid methods, at least fifty percent of which evaluation is determined by the academic growth of their students;

(II) Afforded a meaningful opportunity to improve their effectiveness; and

(III) Provided the means to share effective practices with other educators throughout the state.

(3) The council shall have the following duties:

(a) On or before March 1, 2011, to provide the state board with recommendations that will ensure that every teacher is evaluated using multiple fair, transparent, timely, rigorous, and valid methods. The recommendations developed pursuant to this paragraph (a) shall require that at least fifty percent of the evaluation is determined by the academic growth of the teacher's students and that each teacher is provided with an opportunity to improve his or her effectiveness through a teacher development plan that links his or her evaluation and performance standards to professional development opportunities. The quality standards for teachers shall include measures of student longitudinal academic growth that are consistent with the measures set forth in section 22-11-204 (2) and may include interim assessment results or evidence of student work, provided that all are rigorous and comparable across classrooms

and aligned with state model content standards and performance standards developed pursuant to article 7 of this title. For the purposes of quality standards, expectations of student academic growth shall take into consideration diverse factors, including but not limited to special education, student mobility, and classrooms with a student population in which ninety-five percent meet the definition of high-risk student as defined in section 22-7-604.5 (1.5). The quality standards for teachers shall be clear and relevant to the teacher's roles and responsibilities and shall have the goal of improving student academic growth. The council shall include in its recommendations a definition of effectiveness and its relation to quality standards. The definition of effectiveness shall include, but need not be limited to, criteria that will be used to differentiate between performance standards. The defined performance standards shall include, but need not be limited to, "highly effective", "effective", and "ineffective". The council shall consider whether additional performance standards should be established.

(a.5) On or before March 1, 2011, to provide the state board with recommendations that will ensure that every principal is evaluated using multiple fair, transparent, timely, rigorous, and valid methods. The recommendations pursuant to this paragraph (a.5) shall require that every principal is provided with a principal development plan. In making its recommendations, the council shall recognize that not all teachers and principals require the same amount of supervision and evaluation. As part of its recommendations to the state board, the council shall develop a process to enable a local school district to differentiate teacher and principal evaluations as part of its performance evaluation system.

(b) On or before March 1, 2011, to provide the state board with recommendations concerning the implementation and testing of the new performance evaluation system that is based on quality standards and with recommendations for the subsequent statewide implementation of the new performance evaluation system. The recommendations made pursuant to this paragraph (b) shall conform to the timeline set forth in subsection (10) of this section.

(b.5) On or before March 1, 2011, to make recommendations to the state board concerning the involvement and support of parents of children in public schools, to the effect that parents should act as partners with teachers and public school administrators;

(c) On or before March 1, 2011, to provide the state board with recommendations that will ensure development of a set of guidelines for establishing performance standards for each category of licensed personnel to be evaluated pursuant to this article. The guidelines shall outline criteria to be applied in assigning educators to appropriate performance standards, which shall include measures of student longitudinal academic growth.

(d) On or before March 1, 2011, to develop and recommend to the state board statewide definitions of principal effectiveness and teacher effectiveness, each of which shall be centered

on an educator's demonstrated ability to achieve and sustain adequate student growth and shall include a set of professional skills and competencies related to improved student outcomes;

(e) On or before March 1, 2011, to develop and recommend to the state board guidelines for adequate implementation of a high-quality educator evaluation system that shall address, at a minimum, the following issues:

(I) Ongoing training on the use of the system that is sufficient to ensure that all evaluators and educators have a full understanding of the evaluation system and its implementation. The training may include such activities as conducting joint training sessions for evaluators and educators.

(II) Evaluation results that are normed to ensure consistency and fairness;

(III) Evaluation rubrics and tools that are deemed fair, transparent, rigorous, and valid;

(IV) Evaluations that are conducted using sufficient time and frequency, at least annually, to gather sufficient data upon which to base the ratings contained in an evaluation;

(V) Provision of adequate training and collaborative time to ensure that educators fully understand and have the resources to respond to student academic growth data;

(VI) Student data that is monitored at least annually to ensure the correlation between student academic growth and outcomes with educator effectiveness ratings; and

(VII) A process by which a nonprobationary teacher may appeal his or her second consecutive performance rating of ineffective and submit such process by the first day of convening of the first regular session of the sixty-ninth general assembly to the education committees of the house of representatives and the senate, or any successor committees.

(f) On or before March 1, 2011, to adopt and recommend to the state board a rubric for identifying multiple additional quality standards, in addition to student academic growth, that are rigorous, transparent, valid, and fair;

(g) On or before March 1, 2011, to make recommendations to the state board for policy changes, as appropriate, that will support local school districts' use of evaluation data for decisions in areas such as compensation, promotion, retention, removal, and professional development;

(h) On or before March 1, 2011, to make recommendations to the state board for policy changes, as appropriate, that will ensure that the standards and criteria applicable to teacher

and principal licensure and the accreditation of preparation programs are directly aligned with and support the preparation and licensure of effective educators;

(i) On or before July 1, 2013, and July 1 each year thereafter during the implementation of the performance evaluation system, the department shall report to the council the results of the implementation and testing of the performance evaluation system. Based on the results of the reports, the council may make additional recommendations to be incorporated in the following stage of implementation.

(j) The council shall develop an implementation plan for its recommendations and will identify tasks and the associated costs at the state and district levels. The recommendations shall include an implementation cost analysis, including assessment changes, assessment pilot study, staff training, research, data review, and any other tasks included in the council's recommendations. It is incumbent on the council to consult with the department and expert practitioners familiar with school finance and to report by March 1, 2011, on the costs to implement the council's recommendations.

(3.5) The recommendations made by the council to the state board pursuant to this section shall reflect a consensus vote. For any issue that the council was unable to reach a consensus, the council shall provide to the state board the reasons it was unable to reach a consensus.

(4) The council's recommendations shall consist, at a minimum, of recommendations that are applicable to school principals and teachers.

(5) The council's recommendations may include changes to existing statutes or rules, if appropriate, as well as recommendations for local implementation.

(6) In making its recommendations, the council shall include the effect of district- and school-level conditions, as measured by the nine performance standards set forth in the comprehensive appraisal for the district improvement rubric and biannual teaching, empowering, leading, and learning initiative survey of school working conditions, as well as any additional methods of assessing such conditions identified by the council as valid, transparent, and reliable.

(7) The council may establish working groups, task forces, or other structures from within its membership or outside its membership as needed to address specific issues or to assist in its work.

(8) All recommendations made by the council pursuant to this section shall reflect a consensus of its members.

(9) Unless otherwise provided for, the office of the governor and the department shall provide the council with the support, information, data, analytical information, and administrative support necessary to do its work.

(10)

(a) On or before September 1, 2011, the state board shall promulgate rules with regard to the issues specified in paragraphs (a) to (h) of subsection (3) of this section, using the recommendations from the council. If the council fails to make recommendations to the state board by March 1, 2011, with regard to the issues specified in paragraphs (a) to (h) of subsection (3) of this section, the state board shall, on or before September 1, 2011, promulgate rules concerning any issues in said paragraphs (a) to (h) that the council did not address. In promulgating rules pursuant to this subsection (10), the state board shall conform to the following timeline:

(I) Beginning with the 2011-12 school year, the department shall work with school districts and boards of cooperative services to assist with the development of performance evaluation systems that are based on quality standards.

(II) On or before January 15, 2012, the state board shall provide to the general assembly the rules promulgated pursuant to this subsection (10). On or before February 15, 2012, the general assembly shall review and approve such rules as provided for in paragraph (b) of this subsection (10).

(III) Beginning with the 2012-13 school year, if the general assembly approves the rules promulgated pursuant to this subsection (10), the new performance evaluation system that is based on quality standards shall be implemented and tested as recommended by the council pursuant to paragraph (b) of subsection (3) of this section.

(IV)

(A) Beginning with the 2013-14 school year, if the general assembly approves the rules promulgated pursuant to this subsection (10), and based on the results of the first level of implementation in the 2012-13 school year, the new performance evaluation system that is based on quality standards shall be implemented statewide in a manner as recommended by the council pursuant to paragraph (b) of subsection (3) of this section.

(B) During the 2013-14 school year, teachers shall be evaluated based on quality standards. Demonstrated effectiveness or ineffectiveness shall begin to be considered in the acquisition of probationary or nonprobationary status.

(V)

(A) Beginning with the 2014-15 school year, if the general assembly approves the rules promulgated pursuant to this subsection (10), and based on the results

of the first and second levels of implementation in the 2012-13 and 2013-14 school years, the new performance evaluation system that is based on quality standards shall be finalized on a statewide basis.

(B) During the 2014-15 school year, teachers shall continue to be evaluated based on quality standards. Demonstrated effectiveness or ineffectiveness shall be considered in the acquisition or loss of probationary or nonprobationary status.

(b) On or before February 15, 2012, the general assembly shall review the rules promulgated pursuant to paragraph (a) of this subsection (10) in a bill that is separate from the annual rule review bill introduced pursuant to section 24-4-103 (8) (d), C.R.S., and in accordance with the criteria and procedures specified in section 24-4-103 (8) (a) and (8) (d), C.R.S.; except that the general assembly reserves the right to repeal individual rules contained in the rules promulgated by the state board. If one or more rules is not approved by the general assembly pursuant to this paragraph (b), the state board shall promulgate emergency rules pursuant to section 24-4-103 (6), C.R.S., on such issue or issues and resubmit to the general assembly on or before May 1, 2012. The general assembly shall review the emergency rules promulgated according to the process outlined in this paragraph (b).

(11) On or before November 1, 2011, the department shall create and make available to school districts and boards of cooperative services a resource bank that identifies assessments, processes, tools, and policies that a school district or board of cooperative services may use to develop an evaluation system that addresses the provisions of this section. The department shall include resources that are appropriate to school districts and boards of cooperative services of different sizes, demographics, and locations. The department shall update the resource bank at least annually to reflect new research and ongoing experience in Colorado.

(12) The department shall not be obligated to implement the provisions of this section until sufficient funds have been received and credited to the great teachers and leaders fund, created in section 22-9-105.7. The department is hereby authorized to hire any employees necessary to carry out the provisions of this section. Any new positions created pursuant to this section shall be subject to the availability of funding and shall be eliminated at such time as moneys are no longer available in the great teachers and leaders fund. All position descriptions and notice to hire for positions created pursuant to this section shall clearly state that such position is subject to available funding.

22-9-105.7. Great teachers and leaders fund - created - gifts, grants, and donations.

(1) The department is authorized to seek, accept, and expend federal grants for the implementation of section 22-9-105.5; except that the department may not accept a gift, grant, or donation except from federal moneys that is subject to conditions that are inconsistent with this or any law of the state. The department shall transmit all federal moneys received to the state treasurer, who shall credit the same to the great teachers and leaders fund, which fund is hereby created and referred to in this section as the "fund". Moneys in the fund are continuously appropriated to the department for the direct and indirect costs associated with implementing section 22-9-105.5.

(2) Any moneys in the fund not expended for the purposes of section 22-9-105.5 may be invested by the state treasurer, as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

(3) For fiscal years 2010-11 and 2011-12, if two hundred fifty thousand dollars is not credited to the fund through federal grants on or before September 30, 2010, the commissioner shall notify the state treasurer of the difference. As provided for in section 22-54-117 (1) (g), upon receipt of such notice, the state treasurer shall transfer to the fund the amount of the difference out of the contingency reserve fund, created pursuant to section 22-54-117 for the implementation of section 22-9-105.5. If there is an insufficient amount in the contingency reserve fund, the state treasurer shall transfer to the fund any remaining amount of the difference from the state education fund, created in section 17 (4) of article IX of the state constitution for the implementation of section 22-9-105.5.

(4) Nothing in this section shall be interpreted to require the department to solicit gifts, grants, or donations for the fund.

22-9-106. Local boards of education - duties - performance evaluation system - repeal.

(1) All school districts and boards of cooperative services that employ licensed personnel, as defined in section 22-9-103 (1.5), shall adopt a written system to evaluate the employment performance of school district and board of cooperative services licensed personnel, including all teachers, principals, and administrators, with the exception of licensed personnel employed by a board of cooperative services for a period of six weeks or less. In developing the licensed personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services shall consult with administrators, principals, and teachers employed within the district or participating districts in a board of cooperative services, parents, and the school district licensed personnel performance evaluation council or the board of cooperative services personnel performance evaluation council created pursuant

Licensed Personnel Performance Evaluation Act (as amended by SB 191)

to section 22-9-107. The performance evaluation system shall address all of the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5, and shall contain, but need not be limited to, the following information:

- (a) The title or position of the evaluator for each licensed personnel position to be evaluated;
- (b) The licensed personnel positions to be evaluated, which shall include all licensed personnel, all part-time teachers as defined in section 22-63-103 (6), and all administrators and principals;
- (c) The frequency and duration of the evaluations, which shall be on a regular basis and of such frequency and duration as to ensure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn. At a minimum, the performance evaluation system shall ensure that:
 - (I) Probationary teachers receive at least two documented observations and one evaluation that results in a written evaluation report pursuant to subsection (3) of this section each academic year. Probationary teachers shall receive the written evaluation report at least two weeks before the last class day of the school year.
 - (II) Nonprobationary teachers receive at least one observation each year and one evaluation that results in a written evaluation report pursuant to subsection (3) of this section every three years; except that, beginning with the 2012-13 academic year, nonprobationary teachers shall receive a written evaluation report pursuant to subsection (3) of this section each academic year according to the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5. Nonprobationary teachers shall receive the written evaluation report at least two weeks before the last class day of the school year.
 - (III) Principals shall receive one evaluation that results in a written evaluation report pursuant to subsection (3) of this section each academic year according to the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5.
- (d) The purposes of the evaluation, which shall include but need not be limited to:
 - (I) Providing a basis for the improvement of instruction;
 - (II) Enhancing the implementation of programs of curriculum;
 - (III) Providing the measurement of satisfactory performance for individual licensed personnel and serving as documentation for an unsatisfactory performance dismissal proceeding under article 63 of this title;

(IV) Serving as a measurement of the professional growth and development of licensed personnel; and

(V)

(A) Measuring the level of performance of all licensed personnel within the school district or employed by a board of cooperative services. This sub-subparagraph (A) is repealed, effective at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(B) Measuring the level of effectiveness of all licensed personnel within the school district. This sub-subparagraph (B) shall take effect at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(e)

(I) The standards set by the local board for satisfactory performance for licensed personnel and the criteria to be used to determine whether the performance of each licensed person meets such standards and other criteria for evaluation for each licensed personnel position evaluated. One of the standards for measuring teacher performance shall be directly related to classroom instruction and shall include multiple measures of student performance. The performance evaluation system shall also ensure that the standards and criteria are available in writing to all licensed personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation. This subparagraph (I) is repealed at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(II) The standards set by the local board for effective performance for licensed personnel and the criteria to be used to determine whether the performance of each licensed person meets such standards and other criteria for evaluation for each licensed personnel position evaluated. One of the standards for measuring teacher effectiveness shall be directly related to classroom instruction and shall require that at least fifty percent of the evaluation is determined by the academic growth of the teacher's students. The district accountability committee shall provide input and recommendations concerning the assessment tools used to measure student academic growth as it relates to teacher evaluations. The standards shall include multiple measures of student performance in conjunction with student growth expectations. For the purposes of measuring effectiveness, expectations of student academic growth shall take into consideration diverse factors, including but not limited to special education, student mobility, and classrooms with a student population in which ninety-five percent meet the definition of high-risk student as defined in section 22-7-604.5 (1.5). The performance evaluation system shall also ensure that the standards and criteria are available in writing to all licensed personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation. This subparagraph (II) shall take effect at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(f) The methods of evaluation, which shall include, but shall not be limited to, direct observations by the evaluator and a process of systematic data-gathering.

(2) In implementing such evaluation system and procedures, the school district or board of cooperative services shall conduct all evaluations so as to observe the legal and constitutional rights of licensed personnel, and no evaluation information shall be gathered by electronic devices without the consent of the licensed personnel. No informality in any evaluation or in the manner of making or recording any evaluation shall invalidate such evaluation.

(2.5)

(a) The council shall actively participate with the local board or board of cooperative services in developing written standards for evaluation that clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each licensed person meets such standards pursuant to paragraph (e) of subsection (1) of this section. This paragraph (a) is

repealed, effective at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(b) The council shall actively participate with the local board in developing written standards for evaluation that clearly specify performance standards and the quality standards and the criteria to be used to determine whether the performance of each licensed person meets such standards pursuant to paragraph (e) of subsection (1) of this section. This paragraph (b) shall take effect at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(3) An evaluation report shall be issued upon the completion of an evaluation made pursuant to this section and shall:

(a) Be in writing;

(b) Contain a written improvement plan, that shall be specific as to what improvements, if any, are needed in the performance of the licensed personnel and shall clearly set forth recommendations for improvements, including recommendations for additional education and training during the teacher's or the principal's license renewal process;

(c) Be specific as to the strengths and weaknesses in the performance of the individual being evaluated;

(d) Specifically identify when a direct observation was made;

(e) Identify data sources;

(f) Be discussed and be signed by the evaluator and the person being evaluated, each to receive a copy of the report. The signature on the report of any person shall not be construed to indicate agreement with the information contained in the report. If the person being evaluated disagrees with any of the conclusions or recommendations made in the evaluation report, the person may attach any written explanation or other relevant documentation that the person deems necessary.

Licensed Personnel Performance Evaluation Act (as amended by SB 191)

(g) Be reviewed by a supervisor of the evaluator, whose signature shall also appear on said report.

(3.2)

(a) In addition to the items specified in subsection (3) of this section, the evaluation of a teacher may include any peer, parent, or student input obtained from standardized surveys.

(b) In addition to the items specified in subsection (3) of this section, each principal's evaluation shall include input from the teachers employed in the principal's school and may include input from the students enrolled in the school and their parents. Each school district shall specify the manner in which input from teachers and from students and parents, if any, is collected but shall ensure that the information collected remains anonymous and confidential.

(3.3) Each principal or administrator who is responsible for evaluating licensed personnel shall keep records and documentation for each evaluation conducted. Each principal and administrator who is responsible for evaluating licensed personnel shall be evaluated as to how well he or she complies with this section and with the school district's evaluation system.

(3.5)

(a) A teacher or principal whose performance is deemed to be unsatisfactory pursuant to paragraph (e) of subsection (1) of this section shall be given notice of deficiencies. A remediation plan to correct the deficiencies shall be developed by the district or the board of cooperative services and the teacher or principal and shall include professional development opportunities that are intended to help the teacher or principal to achieve an effective rating in his or her next performance evaluation. The teacher or principal shall be given a reasonable period of time to remediate the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the performance or the deficiencies. This paragraph (a) is repealed, effective at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(b)

(l) A teacher or principal whose performance is deemed to be ineffective pursuant to paragraph (e) of subsection (1) of this section shall receive written notice that his or her performance evaluation shows a rating of ineffective, a copy of the documentation relied upon in measuring his or her performance, and identification of deficiencies.

(II) Each school district shall ensure that a nonprobationary teacher who objects to a rating of ineffectiveness has an opportunity to appeal that rating, in accordance with a fair and transparent process developed, where applicable, through collective bargaining. At a minimum, the appeal process provided shall allow a nonprobationary teacher to appeal the rating of ineffectiveness to the superintendent or his or her designee of the school district and shall place the burden upon the nonprobationary teacher to demonstrate that a rating of effectiveness was appropriate. If there is no collective bargaining agreement in place, following the ruling of the superintendent or his or her designee, the appealing teacher may request a review by a mutually agreed-upon third party. The decision of the third party shall review whether the decision was arbitrary or capricious and shall be binding on both parties. The cost of any such review shall be borne equally by both parties. Where a collective bargaining agreement is in place, either party may choose to opt into this process. The superintendent's designee shall not be the principal who conducted the evaluation. For a nonprobationary teacher, a remediation plan to correct the deficiencies shall be developed by the district or the board of cooperative services and shall include professional development opportunities that are intended to help the nonprobationary teacher to achieve an effective rating in his or her next performance evaluation. The nonprobationary teacher shall be given a reasonable period of time to remediate the deficiencies and shall receive a statement of the resources and assistance available for the purpose of improving effectiveness.

(III) This paragraph (b) shall take effect at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(IV) Subparagraph (II) of this paragraph (b) is repealed, effective February 15, 2013

(4) (a) Except as provided in paragraph (b) of this subsection (4), no person shall be responsible for the evaluation of licensed personnel unless the person has a principal or administrator license issued pursuant to article 60.5 of this title or is a designee of a person with a principal or administrator license and has received education and training in evaluation skills approved by the department of education that will enable him or her to make fair, professional, and credible evaluations of the personnel whom he or she is responsible for evaluating. No person shall be issued a principal or administrator license or have a principal or administrator license renewed unless the state board determines that such person has received education and training approved by the department of education.

(b) A local board of education shall have the authority to evaluate the performance of the superintendent of the school district. The responsibility for conducting the performance evaluation of the superintendent shall rest exclusively with the local board of education.

(4.5)

(a) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the person is performing satisfactorily, no further action shall be taken concerning the original performance evaluation. If the evaluation shows the person is still not performing satisfactorily, the evaluator shall either make additional recommendations for improvement or may recommend the dismissal of the person, which dismissal shall be in accordance with the provisions of article 63 of this title if the person is a teacher. This paragraph (a) is repealed, effective at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(b) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve his or her effectiveness through the implementation of the plan. If the next performance evaluation shows that the person is performing effectively, no further action shall be taken concerning the original performance evaluation. If the evaluation shows the person is still not performing effectively, he or she shall receive written notice that his or her performance evaluation shows a rating of ineffective, a copy of the documentation relied upon in measuring the person's performance, and identification of deficiencies. Each school district shall ensure that a nonprobationary teacher who objects to a rating of ineffectiveness has an opportunity to appeal that rating, in accordance with a fair and transparent process developed, where applicable, through collective bargaining. At a minimum, the appeal process provided shall allow a nonprobationary teacher to appeal the rating of ineffectiveness to the superintendent of the school district and shall place the burden upon the nonprobationary teacher to demonstrate that a rating of effectiveness was appropriate. The appeal process shall take no longer than ninety days, and the nonprobationary teacher shall not be subject to a possible loss of nonprobationary status until after a final determination regarding the rating of ineffectiveness is made. For a person who receives a performance rating of ineffective, the evaluator shall either make additional recommendations for improvement or may recommend the dismissal of the person, which dismissal shall be in accordance with the provisions of article 63 of this title if the person is a teacher. This paragraph (b) shall take effect at such time as the performance evaluation system based on quality standards established pursuant to this section

Licensed Personnel Performance Evaluation Act (as amended by SB 191)

and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(5) The school district or board of cooperative services licensed personnel performance evaluation system, processes, and procedures may be in accord with the guidelines adopted by the state board. The system shall be developed after consultation with the school district or board of cooperative services licensed personnel performance evaluation council created pursuant to section 22-9-107 with regard to the planning, development, adoption, and implementation of such system, and said council shall conduct a continuous evaluation of said system.

(6) The state board shall approve any school district's or board of cooperative services' existing licensed personnel performance evaluation system and related processes and procedures if such system, processes, and procedures are consistent with this article.

(7) Every principal shall be evaluated using multiple fair, transparent, timely, rigorous, and valid methods. The recommendations developed pursuant to this subsection (7) shall require that at least fifty percent of the evaluation is determined by the academic growth of the students enrolled in the principal's school. For principals, the quality standards shall include, but need not be limited to:

(a) Achievement and academic growth for those students enrolled in the principal's school, as measured by the Colorado growth model set forth in section 22-11-202;

(b) The number and percentage of licensed personnel in the principal's school who are rated as effective or highly effective; and

(c) The number and percentage of licensed personnel in the principal's school who are rated as ineffective but are improving in effectiveness.

(8) On or before August 1, 2014, each local board of education shall develop, in collaboration with a local teachers association or, if none exists, with teachers from the district, an incentive system, the purpose of which shall be to encourage effective teachers in high-performing schools to move to jobs in schools that have low performance ratings.

22-9-107. School district personnel performance evaluation councils - duties.

(1) Every school district and board of cooperative services in the state subject to the provisions of this article shall have an advisory school district personnel performance evaluation council or advisory board of cooperative services personnel performance evaluation council, which shall, at a minimum, consist of

Licensed Personnel Performance Evaluation Act (as amended by SB 191)

the following members to be appointed by the local board of education or board of cooperative services:

(a) In the case of a school district, one teacher, one administrator, and one principal from the school district; one resident from the school district who is a parent of a child attending a school within said district; and one resident of the school district who is not a parent with a child in the district; or

(b) In the case of a board of cooperative services, one teacher, one administrator, and one principal representative of the school district or districts participating in the board of cooperative services; one person employed by the board of cooperative services who is defined as licensed personnel pursuant to section 22-9-103 (1.5); one resident who is a parent of a child attending a school within said district or districts; and one resident representative of the school district or districts participating in the board of cooperative services who is not a parent with a child in said district or districts.

(2) Said council shall consult with the local board or board of cooperative services as to the fairness, effectiveness, credibility, and professional quality of the licensed personnel performance evaluation system and its processes and procedures and shall conduct a continuous evaluation of said system.

(3) The council for a school district may be composed of any other school district committee having proper membership, as defined in subsection (1) of this section.

22-9-108. Evaluator training - universities and colleges - duties.

(1)

(1)(a) The general assembly finds that credible, fair, and professional evaluations of licensed personnel depend upon high quality, effective training for principals and administrators that is consistent across the state. Therefore, the state board, in evaluating and approving educator preparation programs pursuant to section 22-2-109, and in approving evaluator training programs provided by a school district or a board of cooperative services, shall ensure that said programs meet the requirements specified in this section.

(b) Every university and college within the state that has a principal or administrator preparation program shall ensure that the program includes training in the evaluation of licensed personnel that meets the requirements specified in this section. In addition, the university or college shall cooperate with the state board in connection with the state board's duties under sections 22-9-104 and 22-2-109.

Licensed Personnel Performance Evaluation Act (as amended by SB 191)

(c) Every school district and board of cooperative services that provides training in the evaluation of licensed personnel shall ensure that such training meets the requirements specified in this section.

(2) Each university or college that offers a principal or administrator preparation program or school district or board of cooperative services that provides evaluator training shall structure the evaluator training program on a standards-based skill outcome model that takes into account research concerning evaluation of licensed personnel. At a minimum, each evaluator training program shall include standards-based performance assessments of each participant, demonstrated competency, and certification by the university, college, school district, or board of cooperative services of the skills mastered by each participant. The university, college, school district, or board of cooperative services shall work collaboratively with principals and administrators who are responsible for evaluating licensed personnel to develop research-based standards for assessing and certifying evaluator skills. The university, college, school district, or board of cooperative services shall regularly review both the model for the evaluator training program and the program performance standards to ensure that they continue to reflect research concerning evaluation of licensed personnel.

(3) At a minimum, each evaluator training program shall include training in the following areas:

- (a) Teaching and learning styles;
- (b) Student performance and student assessment;
- (c) Data collection and documentation; and
- (d) School district standards and state mandates.

22-9-109. Exemption from public inspection.

Notwithstanding the provisions of section 24-72-204 (3), C.R.S., the evaluation report and all public records as defined in section 24-72-202 (6), C.R.S., used in preparing the evaluation report shall be confidential and shall be available only to the licensed person being evaluated, to the duly elected and appointed public officials who supervise his work, and to a hearing officer conducting a hearing pursuant to the provisions of section 22-63-302 or the court of appeals reviewing a decision of the board of education pursuant to the provisions of section 22-63-302; except that the evaluation report of the chief executive officer of any school district, as it relates to the performance of the chief executive officer in fulfilling the adopted school district objectives, fiscal management of the district, district planning responsibilities, and supervision and evaluation of district personnel, shall be open for inspection by any person at reasonable times.